

CITY OF MUSKEGON  
MUSKEGON HOUSING BOARD OF APPEALS  
MEETING MINUTES  
02/03/05  
5:30PM

ATTENDANCE: Randy Mackie, Greg Borgman, Nick Kroes, Jon Rolewicz,  
Ed Simmons, John Warner, Clara Shepherd

ABSENT:

EXCUSED:

STAFF: Henry Faltinowski, Carmen Smith, Don LaBrenz, Ken Murar,  
Mark Kincaid

GUESTS: Philip Schultz (570 W. Clay), Gary Schotike (520 Catherine),  
Alan Workman (552 W. Clay), Mark Pascone, Baymark  
Homes (565 Adams), Brad Link, Mark Spaniola and student  
from Muskegon High School

Meeting minutes: A motion was made by John Warner and seconded by Jon Rolewicz to approve the January minutes. The motion passed unanimously.

**DANGEROUS BUILDING REVIEW CASES:**

**02-057 – 560 Catawba –Clarence Berghuis, Muskegon, MI 49442.**

This case was removed from the agenda because a final inspection was done January 31, 2005. Mrs. Shepherd asked about details of this case. Don LaBrenz stated owner did the work without a permit, came before the board and was told to get permit. The owner got a permit but did not schedule an inspection. Contact with owner was made after notices were sent out and a inspection was done and the case closed. Mrs. Shepherd said the board gives owners option to get an inspection and when they don't get the inspection done in a timely fashion it causes loss of time for staff who have to keep going over case and sending letters. Mrs. Shepherd stated that maybe penalties or a administration fee should be assessed. Greg Borgman said he was glad it was brought up and wanted to plan on talking about fees during New Business.

**EN-030181 – 552-570 W. Clay (Commercial Building) – Craig Clawson – 1019 W. Summit, Muskegon, MI 49441**

Phil Schultz from Woodland Realty was present to represent Mr. Clawson.

Mr. Schultz stated there was a misunderstanding where one property ends and the other begins. He showed plat map showing Mr. Clawson's property as 570 W. Clay and Mr. Alan Workman who owns 552 W. Clay. Mr. Schultz stated the inspection report only had one item that pertained to Mr. Clawson portion of the building. Greg Borgman asked for staff to shed some light on the case. Don LaBrenz stated he had spoke with Mr. Clawson about a year ago and that was the last he had heard from him. Mr. Schultz stated Mr. Clawson had been on the road a lot, he's a trucker. Mr. Schultz stated the area in question was a doorway off the alley behind the Eagles, he showed from picture that Mr. Clawson had tuck point around the door. Mr. Clawson did the work without a permit or inspection he thought because it was exterior he could tuck point and paint and it would be fine. The building is occupied with his business and is full of inventory. Mr. Schultz stated other complaints on the inspection report would pertain to Mr. Workman portion of the building. Pictures showed a shared wall stating it was hard to say where it starts and ends. Mr. Schultz questioned whether proper notification was given to all parties. Nick Kroes recommended that if there was a problem of proper notification that the case should be tabled for 30 days and let staff sort it out.

Staff recommendation: Table for 30 days.

A motion was made by Nick Kroes and seconded by Clara Shepherd to accept staff recommendation.

A roll call vote was taken:

**AYES:**

Greg Borgman  
Randy Mackie  
Jon Rolewicz  
Nick Kroes  
Clara Sheperd  
Ed Simmons  
John Warner

**NAYES:**

**EXCUSED:**

**ABSENT:**

Motion carried.

**EN-030182 – 520 Catherine – Brass Tacks Construction, 5251 Hillview,  
Muskegon, MI 49441**

Gary Schottke was present to represent this case.

Mr. Schottke said the house had been painted on the exterior and interior of the house and broken glass had been repaired and is presently being sold under a land contract “as is” closing Tuesday of next week. Greg Borgman mentioned case had been opened in January of 2004 and wanted input from staff. Don LaBrenz stated no permits had been issued. Greg Borgman stated the board had predicted this case would be back with nothing done. Mr. Schottke was questioned as to whether anything else had been done except painting and he responded that the house was being sold “as is” and the new owners were going to assume responsibility. Ed Simmons stated Mr. Schottke was passing the buck to the new homeowners. Mr. Schottke responded that he didn’t try to hide anything and the new owners were aware of repairs needed. Henry Faltinowski stated home was a dangerous building but was already occupied without a certificate of occupancy. Mr. Schottke stated he bought the house with the intent on fixing up but ran out of funds.

Staff Recommendation: Declare this building substandard, a public nuisance, and dangerous building.

A motion was made by Nick Kroes and seconded by Clara Shepherd to accept staff recommendation.

A roll call vote was taken:

**AYES:**

Greg Borgman  
Randy Mackie  
Jon Rolewicz  
Nick Kroes  
Clara Sheperd  
Ed Simmons  
John Warner

**NAYES:**

**EXCUSED:**

**ABSENT:**

Motion carried.

**DANGEROUS BUILDINGS NEW CASES:**

**EN-040035 – 565 Adams – Baymark Homes, 5479 Pine Bluff Ln., Muskegon, MI 49441**

Mark Pascone was present to represent this case.

Mr. Pascone requested a 90-day extension on the permit so he can complete the project. Mr. Pascone stated he had been a builder in Muskegon for many years he said they bought too many houses and got behind they are caught up now and will complete the repairs in 90 days or less. Greg Borgman asked for input from staff. Mark Kincaid showed latest pictures taken. Mr. Pascone said it was a difficult project and took a little longer than planned, he also stated they were heavily invested in the Muskegon area. Greg Borgman stated they had a good track record. Clara Shepherd asked staff if the list on the interior inspection conducted in May 2004 had gotten any smaller. Henry Faltinowski stated that the percent of repairs completed was noted on the report. Mr. Faltinowski stated he would like to recommend 120 days instead of the 90 days because the exterior repairs require more time to allow it to seal well.

Staff Recommendation: Table for 120 days, June 2005.

Motion made by Clara Shepherd and seconded by John Warner to accept staff recommendation.

A roll call vote was taken:

**AYES:**

Greg Borgman  
Randy Mackie  
Jon Rolewicz  
Nick Kroes  
Clara Sheperd  
Ed Simmons  
John Warner

**NAYES:**

**EXCUSED:**

**ABSENT:**

Motion carried.

**EN-040057 – 280 Iona – State of Michigan, 430 W. Allegan 1<sup>st</sup> Flr., Lansing, MI 48922**

No one was present to represent this case.

Clara Shepherd stated this is what happens when houses go back to the state and the house sits which encourages criminal activity. The house doesn't look bad but who is going to fix it up.

Staff Recommendation: Declare this building substandard, a public nuisance, and dangerous building.

Motion made by Randy Mackie and seconded by Jon Rolewicz to accept staff recommendation.

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>
Greg Borgman			
Randy Mackie			
Jon Rolewicz			
Nick Kroes			
Clara Sheperd			
Ed Simmons			
John Warner			

Motion carried.

**EN-040076 –1121 3<sup>RD</sup> ST. – Calvin J. Davis, 2229 Riordan St., Muskegon, MI 49444**

No one was present to represent this case.

Brad Link, a neighbor located at 1125 Third, share the same floor joist. Mr. Link had tried to speak with the owner over the past year to try to seal the building up and keep wind and cold weather out of his building. There is an open window in the back and one of the doors is open in the upper level. Mr. Link says he sees Mr. Davis about 3 times a year and doesn't know what he has planned. Mr. Faltinowski stated Mr. Davis had indicated that he wanted to work with staff but has done nothing and now we are getting complaints from neighbors. Mrs. Shepherd asked if it was possible to demolish building without damaging Mr. Link's property. Greg Borgman asked how do we protect Mr. Link. Henry Faltinowski said it would require an intensive engineering study. Don LaBrenz added the engineer would give a set of procedures. Greg Borgman said he would like to commend Mr. Link for doing a good job and would like to help him as much as we can. Don LaBrenz stated goal is not to have it tore down but have the two parties to come to some type of agreement. Mr. Mark Spaniola was present and made comments in favor of Mr. Davis.

Staff Recommendation: Declare this building substandard, a public nuisance, and dangerous building.

Motion made by Clara Shepherd and seconded by John Warner to accept staff recommendation.

A roll call vote was taken:

AYES:

Greg Borgman  
Randy Mackie  
Jon Rolewicz  
Nick Kroes  
Clara Sheperd  
Ed Simmons  
John Warner

NAYES:

EXCUSED:

ABSENT:

Motion carried.

OLD BUSINESS:

NEW BUSINESS:

Mr. Kevin Davis, city commissioner, spoke regarding projects coming before the commission to demolish that he usually votes against because of not receiving enough information and request that he gets all information that the board receives. Mrs. Shepherd stated policy of HBA is to encourage rehabilitation of homes not to tear them down. Nick Kroes stated the commission has not given the HBA any authority to do more to fight blight. Greg Borgman stated imposing fines would help alleviate some of the problems. Nick Kroes suggested point of sale inspections including land contract sales would help. Mr. Davis said the HBA concerns would be put on the commission next work session.

Nick Kroes made a motion that all information that is provided to the HBA be submitted to the commission and John Warner seconded the motion.

A roll call vote was taken:

AYES:

Greg Borgman  
Randy Mackie  
Jon Rolewicz  
Nick Kroes  
Clara Sheperd  
Ed Simmons  
John Warner

NAYES:

EXCUSED:

ABSENT:

Motion carried.

**ADJOURNMENT:**

**6:45 P.M.**

CITY OF MUSKEGON

AMERICAN DISABILITY ACT POLICY FOR ACCESS TO OPEN MEETINGS OF  
THE CITY COMMISSION AND ANY OF ITS COMMITTEES OR  
SUBCOMMITTEES.

The City of Muskegon will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting, upon twenty-four hours notice to the City of Muskegon. Individuals with disabilities requiring auxiliary aids or services should contact the City of Muskegon by writing or calling the following.

Gail Kunder, City Clerk  
933 Terrace Street  
Muskegon, MI 49443  
(616) 724-6705 or TDD (616) 724-6773